


**DECLARATION OF RESHA CASON IN SUPPORT OF 47 C.F.R. § 64.2009(e)  
COMPLIANCE CERTIFICATE**

1. I, Resha Cason, make this affidavit in support of the filing of Rio Communications, Inc.'s 47 C.F.R. § 64.2009(e) filing for the calendar year 2007. I am the Director of Customer Service and Regulatory Compliance Officer for Rio Communications, Inc. ("Rio"). This affidavit is based upon my personal knowledge.
2. Rio is a small telecommunications company located in southern Oregon. We serve 5,582 customers, and have 50 employees.
3. In the spring of 2007 Rio's President, Brad Shaffer, left the company. His departure was abrupt and thus hampered Rio's ability to transition to new leadership in a prompt and adequate fashion.
4. Because Mr. Shaffer departed the company on such short notice the company was unable to transfer regulatory duties in an adequate fashion.
5. However, on August 20, 2008, the person hired to handle regulatory issues also left the company. Therefore, I have now stepped into the role of handling all of the company's regulatory filings and obligations since receiving the September 5, 2008, letter. I have been in close contact with the company's regulatory attorneys and intend to confer with them on a regular basis to ensure that Rio maintains all of its current and future regulatory obligations.
6. For the reasons outlined above, Rio did not file its calendar year 2007 CPNI Certification by March 1, 2008.
7. I have provided all of the information and documents in Rio's possession, custody control or knowledge as requested by the September 5, 2008, letter from Marcy Greene to Rio.
8. All of the information contained in the Annual 47 C.F.R. § 64.2009(e) CPNI Certification and Attachment thereto are true and correct based upon my personal knowledge.
9. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 26, 2008

  
\_\_\_\_\_  
Resha Cason

Annual 64.2009(e) CPNI Certification for 2007

Date filed: September 26, 2008

Name of company covered by this certification: Rio Communications, Inc.

Form 499 Filer ID: [824540]

Name of signatory: Resha Cason

Title of signatory: Director of Customer Service and Regulatory Compliance officer

I, Resha Cason, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

[attach accompanying statement].

The company [has not] taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

If affirmative: [Provide explanation of any actions taken against data brokers]

The company [has not] received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, e.g., instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

If affirmative: [Provide summary of all customer complaints received in the past year concerning the unauthorized release of CPNI.]

Signed  [electronic signature]

**ATTACHMENT TO ANNUAL 47 C.F.R. § 64.2009(e) CPNI CERTIFICATION  
FILED BY RIO COMMUNICATIONS, INC.**

Rio Communications, Inc. recognizes that CPNI includes information that is personal and individually identifiable, and that privacy concerns have led Congress and the FCC to impose restrictions upon its use and disclosure. Therefore, Rio has adopted the following procedures to ensure that it acts in full compliance with all applicable statutes and regulations, including but not limited to the requirements set forth in section 64.2001 *et. seq.* of the FCC's rules. These procedures constitute the exclusive authority of any Rio employee to use, disclose or permit access to CPNI. For purposes of these procedures "Rio" shall mean Rio Communications, Inc., or its officers, employees, agents or contractors.

**I. Use and Disclosure of CPNI is Restricted**

**A. Restrictions on Use**

1. Rio may not use, disclose, or permit access to CPNI to market to a customer any service offering that is within a category of service to which the subscriber does not already subscribe from Rio, unless Rio has customer approval to do so. Customer approval shall comply with the provisions of subsection C below.
2. Rio may not use, disclose or permit access to CPNI to identify or track customers that call competing service providers.

**B. Authorized Use**

1. Rio may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already subscribes from Rio without customer approval.
2. Rio may use, disclose or permit access to CPNI derived from its provision of local exchange service or interexchange service, without customer approval, for the provision of CPE and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion.
3. Rio may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

4. Rio may use, disclose, or permit access to CPNI to protect its rights or property, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.
5. Rio may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. Rio may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that customer, to its agents and its affiliates that provide communications-related services. Rio may also permit such persons or entities to obtain access to such CPNI for such purposes. Except for use and disclosure of CPNI that is permitted without customer approval under section § 64.2005, or that is described in this paragraph, or as otherwise provided in section 222 of the Communications Act of 1934, as amended, Rio may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

#### **C. Customer Notice and Approval**

1. Rio may obtain customer approval through written, oral or electronic methods.
  - a. Customer approval or disapproval to use, disclose, or permit access to a customer's CPNI obtained by Rio will remain in effect until the customer revokes or limits such approval or disapproval.
  - b. Rio must maintain records of approval, whether oral, written or electronic, for at least one year from the date the approval granted by the customer.
2. Prior to any solicitation for customer approval, Rio must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI. Rio must maintain records of notification, whether oral, written or electronic, for at least one year. Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.
3. Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit Rio to use, disclose, or permit access to, the customer's CPNI.
  - a. The notification must state that the customer has a right, and the carrier has a duty, under federal law, to protect the confidentiality of CPNI.
  - b. The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to

CPNI at any time.

- c. The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, Rio may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.
  - d. The notification must be comprehensible and must not be misleading.
  - e. If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.
  - f. If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.
  - g. Rio may state in the notification that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's needs. Rio also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.
  - h. Rio may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.
  - i. The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from that carrier is valid until the customer affirmatively revokes or limits such approval or denial.
  - j. Rio's solicitation for approval must be proximate to the notification of a customer's CPNI rights.
4. Rio must provide notification to obtain opt-out approval through electronic or written methods, but not by oral communication. The contents of any such notification must comply with procedure I.C.3.
- a. Rio must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. Rio may, in its discretion, provide for a longer period. Rio must notify customers as to the applicable waiting period for a response before approval is assumed.
    - i. In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and
    - ii. In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.
  - b. Carriers using the opt-out mechanism must provide notices to their customers every two years.
  - c. Telecommunications Carriers that use e-mail to provide opt-out notices must comply with the following requirements in .

addition to the requirements generally applicable to notification:

- i. Rio must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding their service in general, or CPNI in particular;
  - ii. Rio must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;
  - iii. Opt-out e-mail notices that are returned to the carrier as undeliverable must be sent to the customer in another form before Rio may consider the customer to have received notice;
  - iv. Rio must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and
  - v. Rio must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. Rio may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.
5. Rio may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of procedure I.C.3.
6. Rio may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether Rio use opt-out or opt-in approval based on the nature of the contact.
7. The contents of any notice specific to one-time use of CPNI must comply with the requirements of procedure I.C.3, except that Rio may omit any of the following notice provisions if not relevant to the limited use for which Rio seeks CPNI:
  - a. Rio need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;
  - b. Rio need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;
  - c. Rio need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as Rio explain to customers that the scope of the approval the carrier seeks is limited to one-time use; and
  - d. Rio may omit disclosure of the precise steps a customer must

take in order to grant or deny access to CPNI, as long as the carrier clearly communicates that the customer can deny access to his CPNI for the call.

## **II. Training**

1. All Rio Communications Inc. officers, employees, agents and contractors have been informed that there are substantial federal restrictions upon CPNI use and disclosure. These parties have received comprehensive training on the dissemination of CPNI as outlined above and as required by all applicable federal statutes and regulations.

## **III. Compliance Officer**

1. Rio has designated a CPNI Compliance Officer. The Compliance Officer has the obligation to remain fully informed of all CPNI requirements as set forth in this document and as may be adopted by rule or statute in the future. All employees, agents or contractors of Rio are strongly encouraged to bring any questions or concerns regarding CPNI to the Compliance Officer.

## **IV. Disciplinary Procedures**

1. Rio has informed its employees, agents, and contractors that it considers compliance with the applicable federal statutes and regulations regarding the use, disclosure and access to CPNI to be very important.
2. Violation by any employee, agent or contractor of the above outlined procedures will lead to disciplinary action, including but not limited to remedial training, reprimands, unfavorable performance reviews, probation and termination. The appropriate disciplinary action will depend upon the circumstances of the violation, including the severity of the violation, whether the violation was the first time or a repeat violation and the extent to which the violation was deliberate or malicious.

## **V. Records Maintenance**

1. Rio maintains a record of all sales and marketing campaigns which use CPNI. These records must include a description of each campaign, the specific CPNI that was used, the date and purpose of the campaign, and what products or services were offered as party of the campaign. These records will be maintained for one year.
2. Rio has established a supervisory review process to ensure compliance with these procedures and specifically for all outbound marketing situations. Records of this review process are maintained for one year. Prior to the commencement of any marketing campaign salespeople must

obtain approval for any proposed marketing request.

## **VI. Preventative Measures**

1. Rio has taken reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. Rio properly authenticates a customer prior to disclosing CPNI based on customer-initiated telephone contact, online account access, or an in-store visit. All employees, agents and contractors have been informed to report any potential violation of CPNI procedures to the Compliance Officer immediately. The Compliance Officer will then conduct a full investigation into any reported violation and take necessary disciplinary and remedial action as needed.
2. Rio may bind themselves contractually to authentication regimes other than those described in this section for services they provide to their business customers that have both a dedicated account representative and a contract that specifically addresses the carriers' protection of CPNI.

### **A. Customer Verification**

1. Rio may only disclose call detail information over the telephone, based on customer-initiated telephone contact, if the customer first provides the carrier with a password, as described in procedure 25, that is not prompted by Rio asking for readily available biographical information, or account information. If the customer does not provide a password, the Rio may only disclose call detail information by sending it to the customer's address of record, or by calling the customer at the telephone number of record. If the customer is able to provide call detail information to the Rio during a customer-initiated call without Rio's assistance, then Rio is permitted to discuss the call detail information provided by the customer.
2. Rio must authenticate a customer without the use of readily available biographical information, or account information, prior to allowing the customer online access to CPNI related to a telecommunications service account. Once authenticated, the customer may only obtain online access to CPNI related to a telecommunications service account through a password, as described in paragraph (e) of this section, that is not prompted by Rio asking for readily available biographical information, or account information.
3. Rio may disclose CPNI to a customer who, at a Rio retail location, first presents to the telecommunications carrier or its agent a valid photo ID matching the customer's account information.

### **B. Customer Passwords**



1. To establish a password, Rio must authenticate the customer without the use of readily available biographical information, or account information. Rio may create a back-up customer authentication method in the event of a lost or forgotten password, but such back-up customer authentication method may not prompt the customer for readily available biographical information, or account information. If a customer cannot provide the correct password or the correct response for the back-up customer authentication method, the customer must establish a new password as described in this paragraph.
3. Rio must notify customers immediately whenever a password, customer response to a back-up means of authentication for lost or forgotten passwords, online account, or address of record is created or changed. This notification is not required when the customer initiates service, including the selection of a password at service initiation. This notification may be through a Rio-originated voicemail or text message to the telephone number of record, or by mail to the address of record, and must not reveal the changed information or be sent to the new account information.